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# Liberty & LAW

## Class Action Lawsuit Challenges the



IJ attorneys **Scott Bullock** and **Darpana Sheth** and IJ client **Chris Sourovelis** addressed the media at the press conference launching IJ's federal class action suit against Philadelphia.

## Philadelphia Forfeiture Machine

By Darpana Sheth

For the past few months, Chris and Markela Sourovelis have been living a nightmare. It started on May 8 when police showed up on their doorstep to kick them and their family out of their home in suburban Philadelphia. Without any notice or opportunity to see a judge, the Sourovelises were told to pack up their belongings and immediately leave because prosecutors had obtained a secret court order to “seize

and seal” the house using civil forfeiture. Prosecutors who seized the home threatened to sell it because Chris' son had been arrested in the home a few weeks earlier for selling \$40 worth of drugs. Chris, who owns the property, was never charged with any crime.

Unfortunately, in the City of Brotherly Love, Chris and Markela's story is not unique. The city's prosecutors are using civil forfeiture like a machine that strips

**Philly Forfeiture** continued on **page 4**



From left, **Idowu Ogbultade** and other taxi drivers celebrate their new freedom; one of Milwaukee's newest taxi companies; and IJ Attorney **Anthony Sanders** and drivers at the July rally.

# TAXI FREEDOM

## Milwaukee Taxi Cartel Threatens To Fight Latest Victory

By **Anthony Sanders**

Three years ago, Jatinder Cheema only dreamed of owning his own taxicab business. The city of Milwaukee, where Jatinder lives and drives a cab, was firmly behind its command-and-control system of capping the number of taxis and artificially raising the price of a taxi to \$150,000—which is more than an average Milwaukee house.

Fast forward three years and Jatinder's dream is a big step closer to reality. Almost everyone in Milwaukee now agrees Jatinder and his fellow taxi drivers have the right to own their own cabs without the government limiting the number of cabs. On July 22, the city's common council unanimously lifted the 22-year-old taxicab cap. What caused so much to change in three years? Perseverance, the IJ way.

As we have detailed in past issues of *Liberty & Law*, IJ, Jatinder and two other cab drivers, Ghaleb Ibrahim and Amitpal Singh, sued Milwaukee in September 2011 for violating their right to earn a living under the Wisconsin Constitution. In April 2013, Milwaukee County Judge Jane Carroll agreed, ruling Milwaukee's cap on the number of taxicabs favored a privi-

leged few at the expense of everyone else and therefore violated the drivers' constitutional rights.

In an effort to comply with the ruling, the city first increased the number of cabs by 100, but kept a cap in place. When there were over 1,700 applications for those 100 permits, the city decided to let freedom reign on Milwaukee's streets, lifting the cap once and for all in July.

**“In late August, the largest taxicab company owner in the city sued in federal court, arguing that in lifting the cap the city has violated the owner's constitutional rights to hold an expensive taxicab permit.”**

However, not *everyone* is happy with this new freedom, specifically not the established taxicab cartel, which benefited from 22 years of protectionism. In late August, the largest taxicab company owner in the city sued in federal court, arguing that lifting the cap violated *the owner's* constitutional rights to hold an expensive taxicab permit whose inflated value only exists because of a government-imposed monopoly.

To protect our previous victory, IJ has again partnered with Jatinder and another driver, Saad Malik, to intervene in the owner's lawsuit in an

effort to get it dismissed. Our argument is simple: The cap was ruled unconstitutional. The city is simply complying with that ruling. Therefore, the city cannot be violating the owner's constitutional rights by removing an unconstitutional system.

The best part about litigating taxi cases is the drivers. The day Milwaukee lifted its cap was no exception. Taxi drivers filled the city council chambers and erupted with applause the moment the unanimous vote was announced. One of the aldermen even thanked the drivers and IJ by name in his remarks. The drivers then held a victory rally at the park across the street attended by several television cameras.

Notable were the signs the drivers held. When we organized the first rally in 2012, the signs said, “Let me own my own cab!” For the rally after the city council lifted the cap, they said, “Now I can own my own cab!” The times, and the signs, they are a-changing. ♦

**Anthony Sanders** is an IJ attorney.



# Bad Laws, Not “Bad Apples,” Drive Forfeiture Abuse

## *IJ’s Latest Cutting-Edge Research Examines The Incentives of Civil Forfeiture*

By Lisa Knepper

This issue of *Liberty & Law* describes how Philadelphia’s forfeiture machine chews up \$6 million of its citizens’ cash, cars and homes each year. Regular readers know that local police in Tewksbury, Mass., teamed up with the feds to try to forfeit and cash in on Russ Caswell’s family-owned motel, and that the IRS seized the bank account of the Dehko family’s grocery store even though they did nothing wrong.

What’s behind the seemingly constant stream of forfeiture abuse? A groundbreaking new IJ report answers that question.

IJ and other critics of civil forfeiture have long argued that allowing law enforcement to take property and pocket the proceeds creates incentives to put profits ahead of justice. Proponents counter that any abuse results from isolated bad actors and that civil forfeiture enables law enforcement to turn criminal profits into additional crime-fighting resources, improving public welfare.

We asked Bart Wilson, an economics professor at Chapman University, to put these competing claims to the test. Wilson’s expertise is experimental economics, a research method that uses lab experiments to examine how people interact with each other under different sets of rules. The Nobel Prize committee recognized the value of the method when it honored Vernon Smith, one of its pioneers and a colleague of Wilson.

Wilson and co-author Michael Preciado designed a cutting-edge experiment to see whether the rules of civil forfeiture change people’s behavior, and if so, how. IJ’s newest strategic research report, *Bad Apples or Bad Laws? Testing the Incentives of Civil Forfeiture*, details their experiment and its results.

Wilson and Preciado tasked participants with making

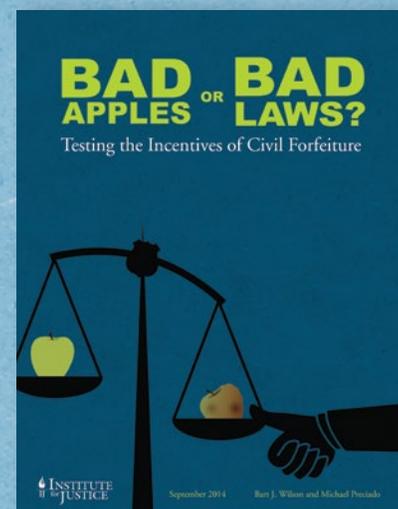
the same kinds of choices law enforcement officers make with and without the ability to take and keep property. They wanted to know: If people can take property from others, will they? And will they keep it for themselves, as civil forfeiture critics argue, or use it to improve public welfare, as proponents claim?

The results show that civil forfeiture does change behavior, and not in a good way. People in the experiment generally used their limited resources to improve public welfare—until civil forfeiture gave them the opportunity to take and keep property. Given the chance, people overwhelmingly chose to take others’ property, and even with this boost in resources, public welfare suffered.

As Wilson and Preciado concluded, “When civil forfeiture puts people in a position to choose between benefiting themselves or the overall public, people choose themselves.”

In short, incentives matter. And civil forfeiture laws create real incentives for law enforcement agencies to seize property not to improve public safety, but to pad their own budgets. The results suggest that forfeiture abuse isn’t the result of a few “bad apples,” but bad laws that encourage bad behavior—it’s not the players so much as the game.

The experiment’s findings have important implications for legislators



Download the report “Bad Apples or Bad Laws?” at [ij.org/bad-apples-or-bad-laws](http://ij.org/bad-apples-or-bad-laws).

considering forfeiture reform and courts confronting legal challenges to the government’s forfeiture power. Replacing officers guilty of abuse or tweaking the process will only treat the symptoms, not the disease—the profit incentive that drives the civil forfeiture racket. The only way to stop government seizures of innocent people’s property is to end civil forfeiture and take the profit out of policing. ♦

**Lisa Knepper** is an IJ director of strategic research.





Philadelphia routinely seeks orders authorizing its officials to “seize and seal” homes and other real properties—which they accomplish by throwing people like IJ clients **Chris and Markela Sourovelis**, left, and **Norys Hernandez** and their families, out onto the streets.

## IJ Seeks to Dismantle Philadelphia’s Forfeiture Machine

**Philly Forfeiture** continued from **page 1** people of their constitutional rights in order to devour their hard-earned cash, cars and homes.

From 2002 through 2012, the city’s police and prosecutors took in more than \$64 million in forfeiture proceeds by seizing more than 1,100 homes, 3,200 vehicles and \$44 million in cash from citizens. That’s more than twice the annual forfeiture revenue of Brooklyn, N.Y., and Los Angeles County combined and represents almost 20 percent of the general budget of the city’s District Attorney’s Office.

To make matters worse, these forfeiture proceeds directly benefit the city’s police and prosecutors. Each year, Philadelphia rakes in an average of

almost \$6 million in forfeiture revenue, which Pennsylvania law requires be turned over to law enforcement, rather than put in a neutral fund.

Where does all this money go? Over \$25 million of the \$64 million in forfeited cash and property the city took in went to pay salaries, including the salaries of the very prosecutors doing the forfeiting. It is this perverse profit incentive that fuels Philadelphia’s forfeiture machine.

This is how the machine works: Property owners like the Sourovelises who have their cash, cars or homes seized are told to go to Courtroom 478 in iconic City Hall for a “hearing.” But when they get there, they do not see a judge or a jury; there is not even a court reporter to transcribe these so-called hearings. It is just

a room staffed with city prosecutors who run the show and call all the shots.

It is the prosecutors who frequently tell property owners that the process is simple and hiring a lawyer is not necessary. It is the prosecutors who require homeowners like Chris to sign away their legal rights and agree to onerous conditions in order to be let back into their homes. It is the prosecutors who force property owners to return to Courtroom 478 time and time again, sometimes up to a dozen times in a single case. It is the prosecutors who mark cases for default—an automatic win for the government—if the property owner misses a single hearing. And ultimately it is the prosecutors who stand to profit from this scheme.

To end this unconscionable practice,

**“From 2002 through 2012, the city’s police and prosecutors took in more than \$64 million in forfeiture proceeds by seizing more than 1,100 homes, 3,200 vehicles and \$44 million in cash from citizens.”**





Watch IJ's video "The Forfeiture Machine Turns Cops into Robbers" at <http://iam.ij.org/phillyforfyt>.



# #EndForfeiture

## IJ's New Initiative to End Civil Forfeiture

By Justin Wilson

IJ filed a federal lawsuit—and the first class action lawsuit in IJ's history—on behalf of the Sourovelises and all other property owners in Philadelphia who are living the nightmare of civil forfeiture. A victory in the lawsuit would not only benefit the property owners IJ is representing, but *all* Philadelphians who are caught up in an upside-down legal process that violates their constitutional rights and treats them like cash machines. ♦

**Darpana Sheth** is an IJ attorney.



Working to end the outrageous practice of civil forfeiture will not only need to take place in the court of law, but also in the court of public opinion. IJ's communications and activism teams are already putting a plan into action.

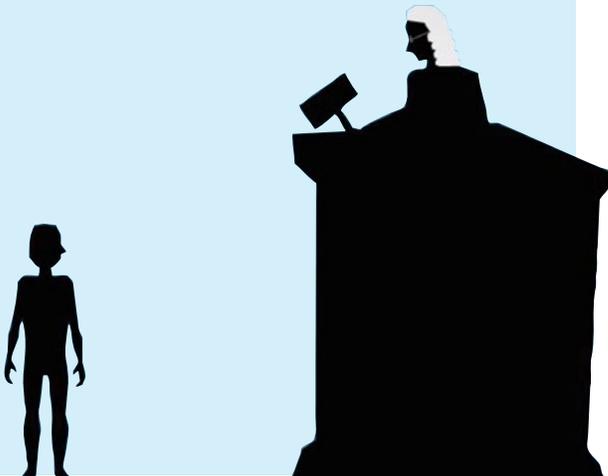
In the past two months, legislators in both the U.S. House and Senate introduced legislation to reform federal forfeiture laws, drawing heavily from IJ's expertise. *The Daily Show with Jon Stewart* recently exposed the practice with a segment called "Highway-Robbing Highway Patrolmen."

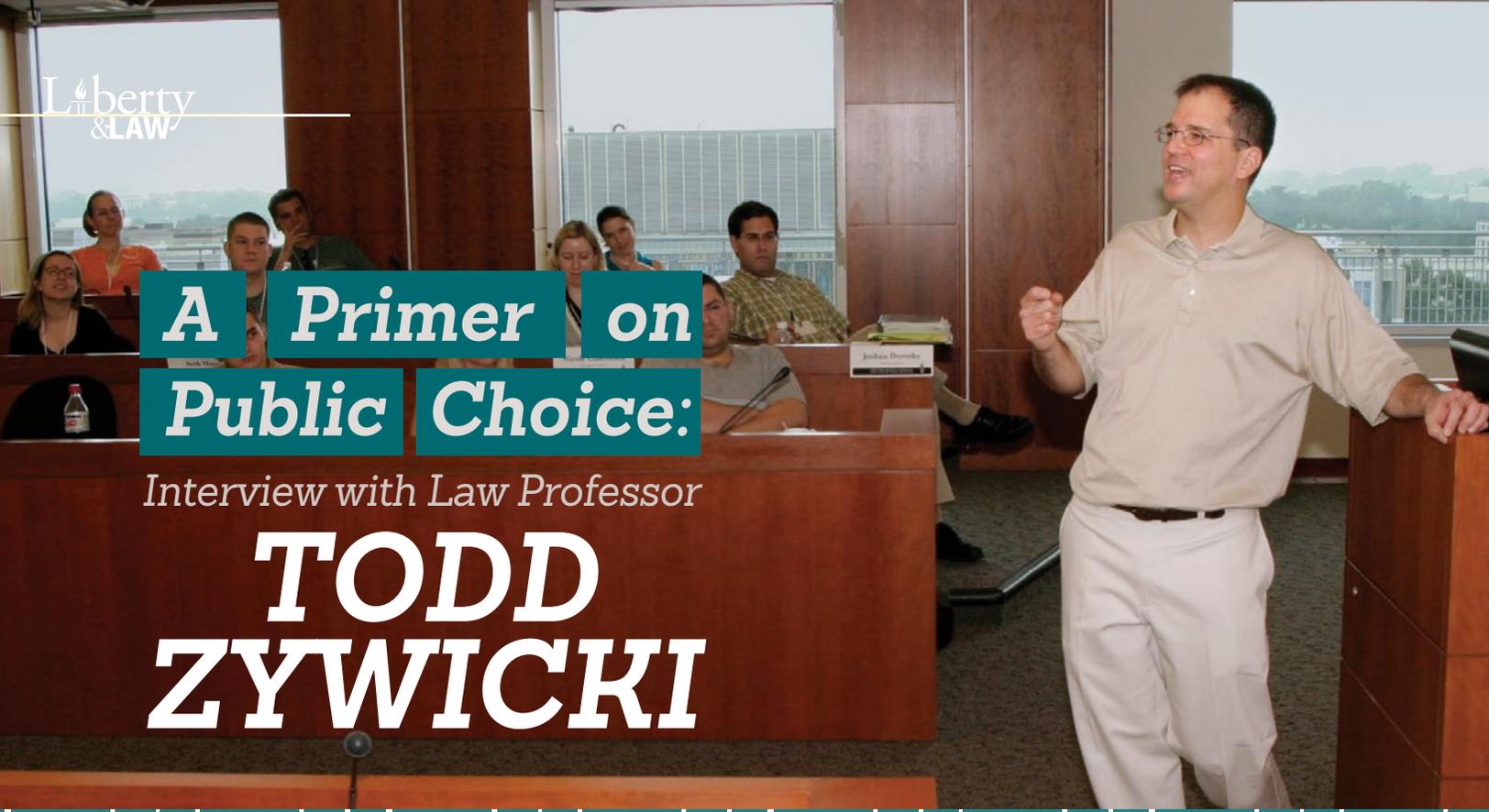
In July, IJ launched EndForfeiture.com to educate the public about civil forfeiture as part of our successful litigation initiative. The site gives visitors easy access to a variety of information about civil forfeiture, including our lawsuits, reports, and latest news.

Despite the outrageous facts about civil forfeiture, it is only starting to capture the public's attention. Thanks in part to IJ's outreach efforts, that is changing. In the last year alone, Google reports that the number of Americans searching for information on civil forfeiture has increased by 300 percent.

With EndForfeiture.com, our ongoing legal initiatives and our in-depth reports, IJ will continue to drive the debate about forfeiture abuse and bring an end to this unconstitutional practice. ♦

**Justin Wilson** is IJ's director of communications.





# A Primer on Public Choice:

Interview with Law Professor

# TODD ZYWICKI

On October 14, the U.S. Supreme Court will consider an antitrust case with an occupational licensing flavor, giving IJ an opening to show the Court how licensing harms consumers *and* entrepreneurs. Working with George Mason University law professor Todd Zywicki, IJ Senior Attorney Paul Sherman and Director of Strategic Research Lisa Knepper wrote an *amicus* brief that argues that licensing boards frequently act to protect licensees' pocketbooks, not consumers.

The case involves North Carolina's dental board, which the FTC has charged with violating federal antitrust law for trying to monopolize teeth whitening for licensed dentists. IJ's brief—which an IJ-record

45 university and research scholars joined—combines research from our 2013 *White Out* report with a branch of economics known as “public choice theory.” The report exposed a nationwide effort by dental interests to shut down teeth-whitening entrepreneurs, and public choice theory explains why such special interests are often able to bend public policy to their will.

Professor Zywicki has filed *amicus* briefs drawing on public choice theory in three IJ cases, including our successful challenge to Louisiana's casket monopoly on behalf of Saint Joseph Abbey. Lisa interviewed him about public choice theory and how it matters for IJ's work.

**“RATHER THAN SCRUTINIZING [ECONOMIC LIBERTY REGULATIONS] CLOSELY, AS THEY DO WITH, FOR EXAMPLE, INFRINGEMENTS ON FREE SPEECH, JUDGES HAVE LARGELY TAKEN A HANDS-OFF APPROACH, ADOPTING AN ATTITUDE OF ‘LEAVE IT TO THE LEGISLATURE.’ BUT ‘LEAVING IT TO THE LEGISLATURE’ IS OFTEN NAÏVE.”**

# Q & A WITH TODD ZYWICKI

## **LK: In a nutshell, what is public choice theory?**

TZ: Public choice theory is the application of economics to the study of politics. It looks at the incentives and costs of political activity and makes predictions about what will emerge from the political process. In particular, public choice suggests that there may be predictable “market failures” in politics—for example, laws that favor well-organized special interests with stronger incentives to influence the law than the public. Even though the public has more votes, each person has less incentive to monitor and participate in the political system, so special interests have a leg up.

## **LK: Do you see public choice theory at play in IJ cases?**

TZ: The standard IJ case often reflects exactly these sorts of political dysfunctions. Infringements on economic liberty often occur because an interest group lobbies for a law that protects them from competition, imposing barriers to entry on competitors and hurting consumers. Eminent domain abuse often occurs because an interest group uses their political clout to take property from the less-powerful. And campaign finance regulations invariably reflect the influence of incumbent politicians seeking to protect themselves from competition and criticism. In each case, the political process is distorted in a predictable manner—in favor of well-organized, powerful groups.

## **LK: The words “public choice” do not appear in the U.S. Constitution. How are the insights of public choice theory relevant to constitutional law?**

TZ: The term “public choice” wasn’t invented until the 1960s, but the term

“faction” was used throughout the Federalist Papers to describe what we today call an “interest group.” The Federalist Papers explained that the goal of the Constitution was 1) to preserve individual liberty and 2) to limit the ability of factions to commandeer the government in “schemes of mischief” to further their own interests. The very purpose of the separation of powers, federalism and other constitutional limits on government power was to frustrate factions from capturing the government for their own private benefit.

## **LK: In your brief supporting Saint Joseph Abbey, you argued that the same dynamic that enabled Louisiana’s funeral directors to secure a monopoly over casket selling would likely prevent the monks from convincing the legislature to repeal the law. Why was that an important point for the court to understand?**

TZ: Since the New Deal, judges have been extremely deferential toward laws and regulations that infringe on economic liberties. Rather than scrutinizing such laws closely, as they do with, for example, infringements on free speech, judges have largely taken a hands-off approach, adopting an attitude of “leave it to the legislature.” But “leaving it to the legislature” is often naïve. Funeral directors reap huge profits off their casket sales monopoly. They thus have huge incentives to lobby for and maintain their monopoly, but consumers forced to pay higher prices have limited ability to organize to overturn it. “Leave it to the legislature” overlooks the true dynamics of the political process.

## **LK: What can public choice theory contribute as the Supreme Court considers the North Carolina case about teeth whitening?**

TZ: Professional licensing is especially vulnerable to special-interest influence. Many licensing boards, including dental boards, are composed of members of the regulated profession who have an obvious incentive (or subconscious bias) to expand the scope of activity subject to their monopoly. In fact, the number of Americans who work in occupations subject to licensing requirements has soared. The value of public choice theory in the North Carolina case is explaining—using solid economic analysis—why anticompetitive regulations exist and challenging self-serving claims that regulations benefit consumers.

## **LK: Is there one insight from public choice theory you wish were more widely appreciated by judges?**

TZ: If the government is handing out billions of dollars in prizes to interest groups, people are going to compete to get their hands on those prizes. Judges should appreciate the consequences when they decide whether to allow politicians to pick winners and losers—politicians won’t always be picking the “fairest” winners and losers, but often just the most politically influential. ♦

**Lisa Knepper** is an IJ director of strategic research.





# Ten-Hut!

## *Law Students Fall In at IJ's "Public Interest Boot Camp"*

By **Melissa LoPresti**

In July, 54 students and about two dozen IJ attorneys and staff gathered near our headquarters for IJ's annual law student conference. The event—dubbed the “Public Interest Boot Camp” because of its increasingly intensive curriculum—is the cornerstone event of our year-round student outreach.

We were thrilled to invite, for the first time, an elite group of political science and economics graduate students to lend their unique perspective to the weekend's discussions. As we expand our strategic research department internally, we are likewise building a network of scholars prepared and excited to contribute their

expertise to cutting-edge issues like forfeiture and occupational licensing. The boot camp is a valuable training ground for this work.

IJ attorneys and staff presented not only prepared material but also incorporated up-to-the-moment case updates, like the preliminary victory in our Arizona animal massage case, which is being litigated by IJ Attorney Diana Simpson, a 2010 conference attendee! We were also grateful to have Georgetown Law School's Randy Barnett, the Cato Institute's Roger Pilon, George Mason University's Todd Zywicki, and the University of Rochester's David Primo join us for lectures as well as meals and events. The keynote address was given by Judge

Danny Boggs of the 6th U.S. Circuit Court of Appeals. And, as always, one of the favorite sessions was the client panel, this year featuring Mike Cristofaro (*Kelo v. City of New London*), Essence Farmer (Arizona braiding) and Monica Poindexter (Indiana school choice).

Next year's “Public Interest Boot Camp” will be held July 17-19, 2015. More information is at [www.ij.org/students](http://www.ij.org/students). ♦

**Melissa LoPresti** is IJ's Management and Litigation Assistant.



Our 2014 summer clerks and interns provided excellent legal research for IJ. Headquarters clerks and interns from left to right, front row: **Thomas Berry**, Stanford Law; **Inez Feltsher**, Virginia Law; **Tom Swanson**, Columbia Law; **Rebecca Schieber**, Northwestern University; **Chelsea Pizzola**, George Washington Law; **Ethan Wright**, Ursinus College; **Caleb Trotter**, Loyola University New Orleans Law. Back row: **Yitzy Muller**, Yeshiva Gedolah Rabbinical College, University of South Carolina; **Jim Allen**, Georgetown Law; **Brian Richman**, Yale Law; **Kathleen Cornett**, University of Chicago Law; **Jenn Weinberg**, George Washington University; **David McDonald**, Columbia Law; **Javier Sosa**, Yale University. Not pictured: IJ-HQ: **Phil Applebaum**, Tulane University; **Kathleen Rooney**, American University; **Emma Spence**, Rochester Polytechnic Institute. IJ-AZ clerks: **Brad Hull**, Emory Law; **Kevin Smith**, Texas Tech Law. IJ-FL clerks: **Allison Daniel**, Florida A&M Law; **Brian Hoops**, Stetson Law. IJ-MN clerks: **Lee Geffre**, St. Thomas Law; **Sean Murphy**, George Mason Law; **Carl Rizzi**, Cornell Law. IJ-TX clerks: **Anya Bidwell**, Texas Law; **Wen Fa**, Michigan Law; **Anthony Guzman**, U.C. Berkeley Law; **Raymond Nhan**, USC Law. IJ-WA clerks: **Tony Busch**, Washington University in St. Louis Law; **Kelsy Lenz**, Washington University in St. Louis Law; **Will Martin**, Minnesota Law.

# U.S. SUPREME COURT TO GOVERNMENT:

## No, You Can't Do Whatever You Want

By Evan Bernick

This past term, the U.S. Supreme Court *unanimously* rebuffed the Obama Administration's arguments in 13 constitutional cases. That's right—13 times the federal government made arguments for government power that were so boundless and removed from the U.S. Constitution that they could not garner even a single vote. While it's encouraging to see the Court properly engaging in particular cases, the federal government's persistent refusal to acknowledge any limits on its own power means that the need for real judging in all constitutional cases remains critical.

Highlights from the 2013-2014 term included another campaign finance case—in which IJ submitted an *amicus* brief—*McCutcheon v. FEC*, where the Court held that tenuous fears about the appearance of corruption do not trump the First Amendment; *Riley v. California*, in which the Court held unanimously that police may not search cell phones without a warrant, even in the course of an arrest; and *Harris v. Quinn*, in which the Court rejected Illinois' farfetched designation of home healthcare workers as “public employees” who could be forced to contribute money to a labor union. In all of these cases, the Court performed its truth-seeking function rather than bending over backwards to avoid saying “no” to government, as it so often does.

We will need plenty more judicial engagement next term to keep the government within constitutional bounds. As you read in the interview with GMU law professor Todd Zywicki, the Court will soon hear arguments in *North Carolina Board of Dental Examiners v. FTC* and consider whether an occupational licensing board composed of dentists can behave like a cartel—by outlawing non-dentist teeth whiteners—without being treated like one under antitrust law. The Constitution likewise prohibits government-operated cartels, and we have sued dental boards in Connecticut, Alabama and Georgia for violating teeth whiteners' right to run an honest, minty-fresh business. Obamacare may also be headed back to the Supreme Court, as the authority of the federal government to hand out subsidies without explicit statutory authority is being challenged in multiple lawsuits. With another high-stakes term just around the corner, IJ's Center for Judicial Engagement is prepared to make the case for truth-centered, impartial judging that stands up under any honest scrutiny. ♦

**Evan Bernick** is the assistant director of IJ's Center for Judicial Engagement.



## Decrease Your Taxes and Support Freedom

By Melanie Hildreth

Would you like to make a gift that helps secure individual liberty while providing a charitable tax deduction, earning fixed income for life and reducing your capital gains tax?

Consider establishing a charitable gift annuity with the Institute for Justice.

A charitable gift annuity is a simple contract that pays you a fixed, guaranteed, partially tax-free income stream in return for your irrevocable contribution of cash or appreciated securities. Because a portion of the contribution is a charitable gift, you also receive an immediate income tax deduction and, for gifts of appreciated stock, capital gains tax savings.

Payout rates for gift annuities depend on the ages of the income beneficiaries, with older individuals receiving higher payout rates than younger individuals. IJ offers immediate payment gift annuities to donors age 65 and older for a minimum \$10,000 gift (see table).

Here is a simple example of how an immediate payment annuity works\*:

John Q. Justice, age 75, has long-term appreciated securities that have doubled in value from his original purchase price of \$10,000 to \$20,000. He contributes the stock to IJ to establish a charitable gift annuity with a 5.8 percent payout rate. In return, he receives an upfront charitable deduction of \$9,000 and a fixed, annual income of \$1,160 for life. The reportable capital gain income is spread over 12.4 years of annuity payments, and a portion of each payment is also tax-free.

### SAMPLE PAYOUT RATES for an immediate, one-life annuity are as follows:

Age	Rate
65	4.7%
70	5.1
75	5.8
80	6.8
85	7.8
90 and over	9.0

Establishing a gift annuity with IJ entitles you to membership in IJ's **Four Pillars Society**. The Four Pillars Society is a group of more than 200 IJ donors who have informed us that IJ is in their will or other long-term financial plans. They are a special part of the IJ family, and the support they provide will help us fight for the Constitution for years to come.

For more information about charitable gift annuities, the Four Pillars Society or other ways to leave a legacy of liberty, please contact me at [melanie@ij.org](mailto:melanie@ij.org) or 703-682-9320 ext. 222. ♦

**Melanie Hildreth**  
is IJ's director of  
development.



\*These calculations are for illustration purposes only and should not be considered legal, accounting or other professional advice.

# IJ Fights for Political Speech for All Americans

By Bill Maurer

Right now, America is going through another election cycle, and with that comes a chorus of elected officials bemoaning wealthy contributors in elections. But most people do not realize that the attempts to cut down on political activities by the rich prevent average Americans from getting involved in the political process. The well-off will always be able to pay for the lawyers, accountants and consultants needed to participate in what is now the highly regulated industry of political campaigns. Restrictions on political activity almost always hurt the small grassroots speakers with little money to get their message out.

IJ is the only public interest law firm that consistently represents those who participate in politics without a lot of money. Whether it is Robin Farris in Pierce County, Wash., who tried to recall an elected official accused of serious mismanagement, or the small, informal group of friends in Oxford, Miss., who wanted to promote private property rights, IJ has been there to defend the rights of political speakers who do not have the money, power or prestige that elected officials and established political parties have. When people like Robin and the folks in Oxford saw their attempts to engage in the fundamental right to participate in elections frustrated by unreasonable governmental restrictions, they fought back, and with IJ's help, they won.

But the battle continues. With every restriction on speech passed by politicians, those who seek to further regulate political activity immedi-

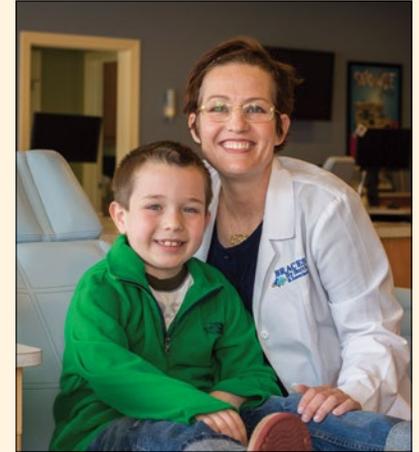
ately announce, "More needs to be done." As IJ racks up victories striking down speech restrictions, our opponents have become more creative. Witness the response of the Washington Public Disclosure Commission (PDC) to Robin's victory. After Robin and IJ beat them in court, the PDC filed a complaint saying that IJ had made hundreds of thousands of dollars in political contributions to the recall campaign by representing Robin for free in her civil rights case. If representing plaintiffs in civil rights cases is a political contribution, then the government can regulate and restrict that representation just like a political contribution. The PDC then gets to restrict the people trying to stop them from violating constitutional rights.

A trial court judge has temporarily enjoined the PDC from trying to limit civil rights lawsuits against them, and the case is moving towards trial. But Americans should not have to go through such ordeals just to express themselves about, of all things, how their country is governed. When people are frozen out of having a say about their government, leaving the political playing field only to the rich and powerful, they can become alienated, apathetic or cynical—exactly the result campaign finance “reformers” say they are fighting against. As in most fields, piling regulations on political activity drives out new ideas, innovation and different viewpoints. If we do not want our political system to become just another over-regulated activity dragged down by government bureaucrats, we will need more victories over the censors in the years to come. And IJ will be there to make sure we get them. ♦

**Bill Maurer** is the managing attorney of the IJ Washington office.



IJ Client **Robin Farris**



## *In Memory of IJ Client Elizabeth Gohl*

It takes a special person to balance a career, motherhood and being part of constitutional litigation—all while fighting a life-threatening disease. But Dr. Elizabeth Gohl was just such a person. Readers first learned about Dr. Gohl in the last issue of *Liberty & Law*. She was a client in IJ's ongoing battle with the Arkansas Dental Board over the right of orthodontists and other dental specialists to offer basic low-cost dental services. Dr. Gohl passed away on August 19, due to complications from cancer.

Dr. Gohl joined the fight because she believed that government should not be allowed to tell people where and how they can use their skills. She certainly had a long history of using her skills. Dr. Gohl was a dentist in the U.S. Navy for seven years before becoming an orthodontist. After she left the Navy, she continued to volunteer on aid missions around the world. Even though she had performed dental work for years, Arkansas wouldn't let Dr. Gohl participate in charity dental clinics like “Free Extraction Day” because she happened to be both a licensed orthodontist and a licensed dentist.

Dr. Gohl found it absurd that Arkansas prevents skilled professionals from helping others in need and joined IJ in federal court. Her legal case continues through her co-client, Dr. Ben Burris.

IJ is deeply saddened by the loss of Dr. Gohl, but we are thankful that we were able to represent such a smart, dynamic and principled woman. ♦



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**About the publication**

*Liberty & Law* is published bimonthly by the Institute for Justice, which, through strategic litigation, training, communication, activism and research, advances a rule of law under which individuals can control their destinies as free and responsible members of society. IJ litigates to secure economic liberty, school choice, private property rights, freedom of speech and other vital individual liberties, and to restore constitutional limits on the power of government. In addition, IJ trains law students, lawyers and activists in the tactics of public interest litigation.

Through these activities, IJ challenges the ideology of the welfare state and illustrates and extends the benefits of freedom to those whose full enjoyment of liberty is denied by government.

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*The National Law Firm*  
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# Quotable Quotes

**CNN**



**IJ Senior Attorney Scott Bullock:** “Civil forfeiture is something that is an assault upon fundamental notions of private property ownership and due process.”

**Wall Street Journal Live**

**IJ Attorney Paul Avelar:** “In 24 states across the country, hair braiders have to get an incredibly expensive and really useless license. It can cost them 1,000 to 2,100 hours of training, which has really nothing to do with hair braiding at all. And that training can cost them 10, 15, even 20,000 dollars. All of this just to braid hair.”



**New York Times**

**IJ Senior Attorney Paul Sherman:** “For decades, the United States Supreme Court has held that the only reason for limiting campaign contributions is to prevent corruption or the appearance of corruption. But nobody could seriously believe that it is corrupt to support a family member’s election. Are we actually concerned that candidates will be in the pocket of Big Mom and Dad?”

**Wall Street Journal**

**IJ Senior Attorney Clark Neily:** “What’s needed is a properly engaged judiciary that takes seriously the constitutional right to earn an honest living—a right the U.S. Supreme Court recognized more than 100 years ago but consistently refuses to protect. History shows that when courts denigrate occupational freedom, so do legislators.”

**Philadelphia Inquirer (Editorial Board)**

“Untold numbers of Philadelphians have lost their homes through the city district attorney’s hyper-aggressive, overreaching civil forfeiture program, which bypasses normal judicial procedures to mete out punishment before a person has been convicted of a crime.”

**“Tired of being pushed around by what they say are ‘oppressive’ laws, street vendors are fighting back . . . [w]ith the help of the civil liberties firm Institute for Justice.”**

*—Miami Herald*



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